

Rubin 1999-0728

R E M A R K S

Claims 1-34 were rejected under 35 USC 102 as being anticipated by Beck et al, US Patent 6,167,395. Applicants respectfully traverse.

Beck et al describe a **call center** arrangement that comprises workstations where live agents can conduct person-to-person interactions with customers who wish to interact with the enterprise that engages, or operates, the call center. The call center also includes interactive voice response (IVR) equipment to allow customers to interact with the call center without use of the live agents and, if appropriate, obtain information therefrom. Customers calls are recorded and processed so that specialized dialog threads can be created when necessary about a specific *predefined* issue, or issue set, to thereby link a plurality of perhaps otherwise unrelated stored call sessions. The dialog threads are presented to the agents at the workstations in order to allow the agents to provide service more effectively.

Operation of the call center is controlled by a customer-interaction network operating system (CINOS) and this operating system (OS) has specific described functions, among which are capturing, analyzing, routing, and reporting (col. 7, lines 54-58). During capturing, the voice interaction is recorded and, simultaneously, a text version of the call is created. See steps 105 and 107 in FIG. 3 and associated text. Thereafter, in step 109, the text version is analyzed with "data mining" modules to augment the knowledge base about calls that are already stored in the system. Similar behavior is carried out in steps 111, 113, and 115.

There appear to be no teachings in Beck et al regarding these data mining modules. Presumably, however, they are conventional modules that detect appearance of text ("association criteria") that match, or represent, the aforementioned predefined issues or issue sets. Based on the mined information, the found criteria are associated with each stored call and, thereafter, a thread dialog that is related to a particular customer and a particular issue or issues can be displayed by querying on any of the predetermined associated criteria. The calls so identified are then presented to one of the call center's agents, as indicated above, at one of the workstations. See, FIG. 8.

One difference between the Beck et al arrangement and applicant's invention is that the Beck et al arrangement has an a priori selected set of criteria against which each of the

Rubin 1999-0728

recorded calls is analyzed in order to create criteria that are associated with the analyzed call. Consequently, any searching that is performed on the data that is already stored is limited to searching only on those *a priori* selected criteria. In applicant's invention, in contradistinction, the searching is done on any desired term that the user who does the searching selects, because the keywords that are identified in the stored calls are keywords that are selected from the calls themselves.

This difference is reflected in claim 1 as presented before by the phrase "selecting keywords from said communication session..." and this difference is maintained in the amended claim 1 phrase "automatically selecting keywords from, and identifying keywords contained in, said communication session..."

Another difference between the Beck et al arrangement and applicant's invention is that applicant's invention focuses on stored communication sessions with an individual – not with an enterprise. This is reflected in amended claim 1 in that the step that creates "a database of personal communications of said individual so as to permit subsequently searching through said database."

In connection with claim 1 the Examiner points to col. 6, lines 24-50, and the abstract, and asserts that Beck et al teach the limitations of the claim. Applicants respectfully disagree.

The abstract clearly relates the invention to "business goals" of an "enterprise," and there is no mention whatsoever of how calls are analyzed, or how criteria are selected for analysis of the "data repositories." All that is mentioned is that those criteria are employed by a user that wishes to search and access data; but that has nothing to do with the process of creating the searchable data.

As for the cited text at col. 6, lines 24-50 (which corresponds to the first two paragraphs of the detailed description of the preferred embodiments), there is a mention of an "enterprise-hosed communication center 17," and there is a discussion of the fact that the center handles COST calls and DNT calls. However, there is no teaching regarding the selection of criteria, or keywords, from the communication session, and certainly no teaching of the limitation that claim 1 (in its amended, and the previously presented, form) specifies.

In the "Response to Arguments" section, the Examiner equates "association

Rubin 1999-0728

criteria" with keywords. Even if this equating is valid, the above arguments still apply.

It is respectfully, therefore, that the rejection of claim 1 as presented earlier was inappropriate, and that *amended* claim 1 is clearly patentable as well.

Claims 2-13 depend on claim 1 and, therefore, are believed to be patentable. Moreover, at least a number of these claims contain limitations that make them patentable independently of their dependence on claim 1.

For example, the previously presented claim 4 specifies a step of prompting the user to specify preferred identification terms and keywords that augment the automatically selected keywords pursuant to which the call is analyzed in preparation to adding information to the database. No such notion is taught or suggested in Beck et al. Amended claim 4 maintains this limitation and, therefore, applicants believe that the limitations of claim 4 make the claim patentable over Beck et al independently of the dependence of claim 4 on claim 1.

The Examiner points to the Abstract generally in support of the rejection, but applicants respectfully submit that the Beck et al Abstract neither teaches nor suggests anything about the criteria that is used to analyze the data in preparation of the database. The only mention of criteria is that the user enters the search criteria for identifying calls and creating the threaded display of calls identified by the search process.

Claim 6 specifies a step of determining whether approval was given to the party that communicates with the individual for whom the database is created. This corresponds to the customers that connect to the call center. In supporting the rejection of claim 6, the Examiner points to FIG. 6, which describes a logging-in process. In the "Response to Arguments" section the Examiner also points to FIG. 6. However, FIG. 6 has nothing to do with the issue of whether or not it is permitted to record the party that connected to the call center. That issue is not addressed because it is apparently assumed that the party that connects to the call center is accedes to it being recorded (perhaps notified of same, as is the common practice). Indeed, the *sine qua non* of the entire Beck et al arrangement is that the conversation of the party that connected to the call center is recorded. Consequently, it is applicants' view that the limitation presented in claim 6 is not found anywhere is the Beck et al reference.

Regarding claim 8, it specifies a step of determining whether information sent by

Rubin 1999-0728

the party that is communicating with the individual is to be protected or not protected. As explained in the specification (page 16) protected information requires an additional, subsequent, permission by the party whose information was stored in protected manner before the individual can gain access to that information. Amended claim 8 makes the "protection" notion clearer. As for the Beck et al teachings pointed to by the Examiner, applicants respectfully submit that it relates to the notion of allowing callers to access information that is stored in the call center's data store, but only that which relates to them. That is a totally different concept and, therefore, applicants respectfully submit that claim 8 is patentable over the Beck et al reference independently of the dependence of claim 8 on claim 1.

Claim 11 specifies that "artificial intelligence" is used in the selection of keywords when a text that corresponds to a call is analyzed in preparation of augmenting the database with new information. In rejecting the claim, the Examiner cites col. 21, lines 35-47. The cited passage states:

An intelligent peripheral in the form of a COST IVR 177 is provided for the purpose of interacting with callers seeking information and the like who do not require connection to a live agent. IVR technology may comprise voice response, touch tone interaction, or a combination of these technologies. IVR 177 is linked to processor 179 and also to automated services 193. An example of an IVR interaction may be the presentation to a caller of options for using an automated service such as those described above, or perhaps waiting for a live agent.

Clearly, this passage does not teach or suggest anything about the keywords, or "association criteria." What is taught is that an (IVR) system is provided that assists users to obtain information from the data store of the call center without the need to speak with a live agent, and that this IVR system is an "intelligent peripheral." That is not what claim 11 addresses and, therefore, applicant respectfully submits that claim 11 is patentable over the Beck et al reference independently of the dependence of claim 11 on claim 1.

Independent amended claim 14 is a system claim. It specifies a system that includes a PC in a non-commercial establishment, and an additional associated module. This module identifies keywords found in text associated with the communication session, but those keywords are selected based on an *ad-hoc* basis, in contrast to the a priori selection of "association criteria" in the Beck et al reference. This contrast is explicitly included in the amended claim 14. Therefore, it is respectfully submitted that amended

Rubin 1999-0728

claim 14 is not anticipated by Beck et al.

Claim 17 is another independent claim. It specifies, inter alia, "an analysis module adapted to automatically select keywords from, and identify keywords contained in, said communication sessions." As explained above, the notion of keywords that are not selected *a priori*, but rather depend on the text that is being analyzed is a notion that is not present in or suggested by Beck et al. Therefore, it is respectfully submitted that claim 17 is neither anticipated nor rendered obvious by the Beck et al reference.

Claims 20-27, and 32-34 depend on claim 17 and, therefore, those claims are believed allowable. Moreover, it is respectfully submitted that at least a number of these dependent claims contain limitations that make them patentable over the Beck et al reference independently of the claim 17 limitations.

For example, claim 25 contains a limitation that is similar to the one found in claim 4; claim 27 contains a limitation that is similar to the one found in claim 6 and discussed above; and claim 32 contains a limitation that is similar to the one found in claim 11. These limitations were discussed above and, based on the arguments presented, it is respectfully submitted that claims 25, 27, and 32 (and those that depend on those claims) are patentable over the Beck et al reference independently of the fact that they depend on claim 17.

In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's rejections have been overcome. Since it is believed that the claims presented in the previous Amendment are patentable, and since it is believed that the amended claims are even more distinguish over Beck et al, admission of this amendment, reconsideration, and allowance of the remaining claims are respectfully solicited..

Dated: 8/25/03

Respectfully,
Aviel D. Rubin
Martin J. Strauss

By Henry T. Brendzel

Henry T. Brendzel
Reg. No. 26,844
Phone (973) 467-2025
Fax (973) 467-6589
email brendzel@comcast.net

FAX RECEIVED

AUG 26 2003

GROUP 2600

OFFICIAL